

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

J&J Sports Productions, Inc.

Plaintiff,

-against-

08-cv-02840

Arli Restaurant Corp. d/b/a Arli
Restaurant & Buffet and Juan
A. Almonte,

Defendant.

**DEFENDANT'S INITIAL DISCLOSURE
PURSUANT TO FED. R. CIV.P.26(A)(1)
OF INTERROGATORIES**

Pursuant to the requirement of the Federal Rule of Civil Procedure 26, Arli Restaurant Corp., d/b/a Arli Restaurant & Buffet and Juan A. Almonte, Defendants in the above-entitled action, makes the following disclosures by and through its undersigned counsel:

1. Initial Disclosures

A. The identity of each individual likely to have discoverable information relevant to disputed facts alleged with particularity in the Complaint is as follows:

- i. Juan A. Almonte, at 1404 Ogden Avenue, Bronx, New York ; having knowledge as to the alleged unauthorized publication and use of the telecast of Erik Morales and Manny Pacquiao on March 19, 2005 at the Arli Restaurant Corp.
- ii. J&J Sports Production Inc. c/o Thomas P. Riley P.C., First Library Square, 1114 Fremont Avenue, South Pasadena, CA 91030-3227; knowledge as to the information contained in and relating to the alleged unauthorized publication and use of the telecast of Erik Morales and Manny Pacquiao on March 19, 2005 at the Arli Restaurant Corp.

B. All documents, data compilations, and tangible things that are in possession, custody or control of Defendant that it may use to support its claims and/or defenses include the following:

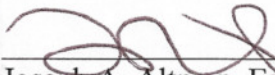
- i. Copy of the Plaintiff's investigators report;
- ii. Responses to discovery;
- iii. Deposition testimony, if any;
- iv. Any other relevant document not yet discovered by Defendant which would be relevant to Defendant's case.

The documents are located or will be located at the offices of Thomas P. Riley, PC, First Library Square, 1114 Fremont Avenue, South Pasadena, CA 91030-3227 and Paul J. Hooten & Associates, PLLC, 5505 Nesconset Hwy., Suite 203, Mt. Sinai, New York 11766. There may be other documents that may be relevant that are not yet known which may be used to support the claims and/or defenses of Defendant.

C. Damages to Defendant arising from the Plaintiff's claims regarding the Defendant's unauthorized use of the telecast of Erik Morales and Manny Pacquiao on March 19, 2005 at the Arli Restaurant Corp., d/b/a Arli Restaurant and Juan A. Almonte and attorney fees and costs.

D. Fed.R.Civ. P. 26 (a)(1)(D) does not apply to this matter.

Dated: Bronx, New York
July 31, 2008



Joseph A. Altman, Esq. 4290
Attorney for Defendants –
Arli Restaurant Corp., d/b/a
Arli Restaurant & Buffet and Juan Almonte,
Joseph A. Altman, P.C.
1009 East 163rd Street
Bronx, NY 10459
718-328-0422

TO: Paul J. Hooten, Esq.
Paul J. Hooten & Associates
Attorney for Plaintiff –
J&J Sports Production, Inc.
5505 Nesconset Hwy., Suite 203
Mt. Sinai, New York 11766

I, the undersigned, certification by Attorney's affirmation certify that the within has been compared by me with the original and found to be a true and complete copy. state that I am the attorney(s) of record for action; I have read the foregoing to my knowledge, except as to the matters therein alleged to be on information and belief; and as to those matters I believe it to be true. The reason this verification is made by me and not by

SS: in the within and know the contents thereof; the same is true

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:
I affirm that the foregoing statements are true, under the penalties of perjury.

The name signed must be printed beneath

DATED:

STATE OF NEW YORK, COUNTY OF BRONX

SS:

I, the undersigned, being duly sworn, depose and say:

individual verification in the action; I have read the foregoing and know the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe it to be true.
corporation verification the of a corporation and a party in the within action; I have read the foregoing and know the contents thereof; the same is true to my knowledge, except as to the matters therein stated to be alleged upon information and belief; and as to those matters I believe it to be true. This verification is made by me because the above party is a corporation and I am an officer thereof.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows:

Sworn to before me on the day of , 2008

The name signed must be printed beneath

STATE OF NEW YORK, COUNTY OF Bronx ss: (if more than one box is checked - indicate after names type of service used)

I, the undersigned, being sworn, say: I am not a party to the action, am over 18 years of age and reside at 2115 Honeywell Ave Bx, NY.
The undersigned, Attorney and Counselor-at-law, duly admitted to practice law in the Courts of the State of New York, affirms, under the penalty of perjury that:

On 8/1/08 X service by mail I served the within INITIAL DISCLOSURE PURSUANT TO FED. R. CIV.P.26(a)(1) OF INTERROGATORIES by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within the New York State addressed to

Personal service on an individual by delivering a true copy of each personally to each person named below at the address indicated. I know each person served to be the person mentioned and described in said papers as a party therein.
Service by electronic means by transmitting a copy to the following persons by FAX at the telephone number set forth after each name below E-Mail address set forth after each name below, which was designated by the attorney for such purpose, and by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within the New York State to the address set forth after each name.
Overnight Delivery Service by dispatching a copy by overnight delivery to each of the following persons at the last known address set forth after each name below.

PAUL J. HOOTEN, ESQ.
Attorney for Plaintiff
5505 Nesconset Highway, Suite 203
Mt. Sinai, New York 11766

Sworn to before me on the 8/1/08 day of 2008

Affirm on the day of 2008

Joseph A. Altman
Notary Public, State of New York
No. 4805116
Qualified in Westchester County
Certificate Filed in Bronx County
Commission Expires July 31, 2010

the name signed must be printed beneath

Beatriz G. Vargas
Beatriz G. Vargas

J&J Sports Productions, Inc.

Plaintiff,

-against-

08-cv-02840

Arli Restaurant Corp. d/b/a Arli
Restaurant & Buffet and Juan
A. Almonte,

Defendant.

DEFENDANT'S INITIAL DISCLOSURE PRUSUANT TO GED. R. CIV.P.26(A)(1) OF INTERROGATORIES

Joseph A. Altman, P.C.
Attorney(s) for
Defendant
1009 East 163rd Street
Bronx, N.Y. 10459
(718) DA8-0422

TO:

Service of a copy of the within
is hereby admitted.

Attorney(s) for

Dated:

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the
within named court on

Dated:

Yours, etc.
Attorney for

Joseph A. Altman, P.C.
1009 East 163rd Street
Bronx, N.Y. 10459

PLEASE TAKE NOTICE:

☐ NOTICE OF SETTLEMENT

that an order of which the within
is a true copy will be presented to the
Hon. one of the judges of the
within named Court, at
on at M.

Dated:

Yours, etc.
Attorney for

Joseph A. Altman, P.C.
1009 East 163rd Street
Bronx, N.Y. 10459

ATTORNEY'S CERTIFICATION

JOSEPH A. ALTMAN, ESQ. , an attorney duly admitted to the Courts of the state of New York, hereby certifies that the annexed DEFENDANT'S INITIAL DISCLOSURE PURSUANT TO FED. R. CIV.P.26(A)(1) OF INTERROGATORIES is to the best of my knowledge and upon information and belief, formed after an inquiry reasonable under the circumstances, that the presentation of said papers or contentions therein are not frivolous as defined in subsection (c) of section 130-1.1 of 22 NYCRR.